

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NOVELPOINT TRACKING LLC

Plaintiff,

v.

ALCATEL-LUCENT USA, INC.

Defendant.

Case No. 2:12-cv-00742

**PLAINTIFF NOVELPOINT TRACKING LLC’S MOTION TO DISMISS D
EFENDANT ALCATEL-LUCENT USA, INC.**

Novelpoint Tracking LLC (“NPT”) files Plaintiff Novelpoint Tracking’s Motion to Dismiss Defendant Alcatel-Lucent USA, Inc. (“Dismissed Defendant”) from this action without prejudice pursuant to FED. R. CIV. P. 41(a), and thereby voluntarily dismiss this action.

Dismissal of the Dismissed Defendant is proper under FED. R. CIV. P. 41(a)(1)(A) or FED. R. CIV. P. 41(a)(2), and no stipulation or consent by any of the defendants or conference with any of the defendants is required, because (i) dismissal is not prohibited by FED. R. CIV. P. 23(e), 23.1(c), 23.2, or 66, or by any applicable federal statute, and (ii) the Dismissed Defendant has not filed and answer or a motion for summary judgment.

NPT has not previously dismissed any federal or state-court action against the Dismissed Defendant. The Dismissed Defendant was not engaged in the manufacture or sale of the infringing product on or after the date of relevant Patent No. 6,442,485 and therefore dismissal of the Dismissed Defendant with prejudice is proper without further conditions. Any and all claims asserted by NPT against Dismissed Defendant are withdrawn.

A proposed Order of Dismissal is attached for the convenience of the Court.

DATED: December 29, 2012

Respectfully submitted,

/s/ Rhiannon Kelso
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